IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.15721 of 2004

Between:

Kum. Rukmini being minor rep by father Ramachandar S/o late Vittal,
R/o Chanwar Village, Maddur Mandal, Mahabubnagar District

..... PETITIONER

AND

1 The Acharya N.G. Ranga Agricultural University, Rajendranagar,

Hyderabad rep by Registrar.
2 The Controller of Admissions, Acharya NG Ranga Agricultural

University, Administrative Office, Rajendranagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting the application of petitioner's daughter Kum. Rukmini in his notice dated nil alleged to have issued on 24-8-2004 and the same was received by Kum. Rukmini on 30-8-2004 is illegal, arbitrary unconstitutional and violative of Articles 14 of the Constitution of India and consequently direct the respondents to process the application of Kum.Rukmini in the course of two-year Diploma Polytechnic Course in Animal Husbandry/Agricultural University for the academic year 2004-'05 admission and grant seat.

Counsel for the Petitioner: MR.C.B.RAM MOHAN REDDY

Counsel for the Respondent: MR.B.SIVA REDDY

The Court made the following:

ORDER:

The petitioner is a resident of Chanwar village in Maddur Mandal of Mahaboobnagar District. She completed her 10th class (Secondary School Certificate) in 2004 and obtaining aggregate of 487 marks, as per the certificate issued by the Board of Secondary School Education dated 30.4.2004. Pursuant to a notice issued by the first respondent inviting applications from eligible 10th class students for admission of Multipurpose Polytechnic Course in Animal Husbandry at Palem in Mahaboobnagar District, she sent her application. As per the guidelines/course regulations for the said course only 10th class students, who have studied at least for a period of four years in non-municipal area, are eligible for admission. As per the same guidelines, every applicant has to get a certificate in Form No.3 in the application form filled in and signed by the Head Master to the effect that the candidate has studied for a period of four years during the duration of seven years in non-municipal area or rural area. The petitioner submitted an application. In the application, Form No.3 is signed by the Head Master, Zilla Parishad High School, Maddur in Mahaboobnagar District to the effect that the petitioner studied in the said School from 8th class to 10th class during three academic years 2001-2002 to 2003-2004. The petitioner also enclosed bona fide and conduct certificate issued by the Head Master, Z.P. High School, Bhuneed to the effect that the petitioner studied 6th and 7th classes during the academic years 1999-2000 and 2000-2001 at Bhuneed in Mahaboobnagar District. The first respondent University however rejected admission to the petitioner and issued a notice on 24.8.2004 to the effect that her application is rejected as she allegedly failed to submit the certificate regarding her study in non-municipal area. The notice further recorded that she produced a certificate only for three academic years. Assailing the same, the present writ petition is filed.

This Court while admitting the writ petition on 02.09.2004 by order of even date in WPMP No.20455 of 2004 directed the respondents to reserve one seat in the said course. The Registrar of the first respondent University has filed a counter affidavit. Therefore the matter was heard finally at interlocutory stage when the Miscellaneous Application was again listed for further orders.

The learned Counsel for the petitioner submits that as the Head Master, Z.P. High School, Bhuneed expressed his inability to sign Form No.3 contained in the

application for the course, the petitioner was constrained to enclose the bona fide and conduct certificate issued by the Head Master of Z.P.H. School, Bhuneed, which would show that the petitioner has studied in the rural area for more than four years. The learned Counsel also produced before this Court a letter addressed by the Head Master, Z.P.H. School, Bhuneed to the Registrar of first respondent University to the effect that in view of the directions from the higher-ups not to issue any certificates, Form No.3 was not signed. The learned Counsel therefore would urge that there is substantial compliance with the requirement as per the guidelines and rejection of seat for the petitioner in Multipurpose Polytechnic Agricultural Course (Animal Husbandry) violates fundamental rights under Articles 14 and 15 of the Constitution of India.

Sri Y. Nagaiah representing Sri B. Siva Reddy, learned Counsel for the first respondent University submits that the Head Master, Z.P.H. School, Maddur has signed Form No.3, according to which, the petitioner has studied only three years in non-municipal area, and therefore, as per the guidelines she is disqualified. He however does not deny or dispute the allegation of the petitioner that the Head Master, Z.P.H. School, Bhuneed has addressed a letter to the Registrar of the first respondent University expressing his inability to issue such certificate in view of the directions of the higher authorities.

As directed by this Court, the original application submitted by the petitioner seeking admission in Animal Husbandry course is placed before this Court. The application contains Form No.1 to Form No.5 as annexures. Form No.1 is community certificate and Form No.5 is certificate in the case of children of Ex-servicemen. Form Nos.2 and 3 deal with similar subject. Form No.2 is residence certificate whereas Form No.3 is certificate regarding the candidate's study in the rural area. Form No.4 is certificate to be given by the parents of the candidate authorizing the University to take action against a candidate if he/she resorts to ragging. A perusal of Form No.2 would show that the petitioner has furnished the particulars of her study from the academic year 1997-1998 till she completed SSC in 2003-2004. The petitioner studied 4^{th} and 5^{th} class at Chanwar village, 6^{th} and 7^{th} class at Bhuneed village and 8^{th} class to 10^{th} class at Maddur. All these areas are non-municipal areas and nobody can dispute that the petitioner in fact studied in non-municipal and rural area before and during her 10^{th} class. Form No.3 no doubt is signed by Head Master, Z.P.H. School, Maddur showing that the petitioner studied for three years in Maddur but the bona fide and conduct certificate issued by the Head Master, Z.P.H. School, Bhuneed would show that she completed her 6^{th} and 7^{th} classes from Bhuneed village, which is no doubt a rural area. The reason for the Head Master, Z.P.H. School, Bhuneed not signing Form No.3 was subsequently brought to the notice of the Registrar of the first respondent University and the Registrar without application of mind rejected the application of the petitioner.

A perusal of the guidelines produced before me and Form Nos.2 and 3 together would show that the Rule does not require strict compliance. In the sense, the particulars of the study of a candidate in rural area need not be necessarily contained in Form No.3. As in this case, there could be different situation where the

authorities may be precluded from signing Form No.3, in which case, it is always permissible for a candidate to give particulars in Form No.2 and substantiate the same by producing necessary evidence. In that view of the matter, the rule require substantial compliance which the petitioner did by producing the bona fide and conduct certificate, which was subsequently explained by the letter to the Registrar as noticed herein above.

For the above reasons, this Court is convinced that the petitioner has been denied her legitimate right for being admitted to Multipurpose Polytechnic Agricultural Course (Animal Husbandry), and therefore, this writ petition is allowed directing the respondents to consider the case of the petitioner as per her merit for admission to Multipurpose Polytechnic Agricultural Course (Animal Husbandry) at Palem, Mahaboobnagar District. This exercise shall be completed within a period of one week from the date of receipt of a copy of this order. As this Court passed orders on 02.09.2004 in WPMP No.20455 of 2004 reserving one seat, the respondents shall consider the case of the petitioner in the reserved seat.

The writ petition is accordingly allowed. There shall be no order as to costs.

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October 8, 2004. **V.V.S. RAO, J**

YS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the eighth day of October Two thousand and four.

SPECIAL OFFICER

To

1 The Registrar, Acharya N.G. Ranga Agricultural University,

Rajendranagar, Hyderabad.

2 The Controller of Adminissions, Acharya NG Ranga Agricultural

University, Administrative Office, Rajendranagar, Hyderabad.

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